

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETER RUDOLPH, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

UT STARCOM, HONG LIANG LU, YING WU,
MICHAEL SOPHIE, FRANCIS BARTON, AND
THOMAS TOY,

Defendants.

No. C 07-04578 SI

**ORDER GRANTING ATTORNEY'S FEES
AND REIMBURSEMENT OF EXPENSES**

On September 30, 2009, the Court granted final approval of the class settlement agreement in this matter. Presently before the Court is class counsel's motion for an award of attorneys' fees and reimbursement of expenses.

Class counsel seek attorneys' fees in the amount of 33% of the Gross Settlement Fund. In deciding the appropriate amount of attorneys' fees to be awarded under the percentage-of-common-fund method, a court must consider all the circumstances of the case, including the results obtained on behalf of the class, the skill required of counsel, the complexity and riskiness of the case, the size of the settlement fund, and any other relevant factors. *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047-49 (9th Cir. 2002). The benchmark in this circuit is 25%. *Id.* at 1047 (citing *Paul, Johnson, Alston & Hunt v. Gaulty*, 886 F.2d 268, 272 (9th Cir. 1989)).

On balance, the Court finds class counsel have not shown that the foregoing factors weigh in favor of awarding a percentage exceeding the 25% benchmark. In particular, the Court has had the

1 opportunity to observe this case since its inception and notes that the settlement was reached while the
2 case was still at the pleading stage. The Court also finds that the requested fees are excessive when
3 cross-checked against the lodestar method. The risk multiplier of 1.9 exceeds what is appropriate under
4 all the circumstances of the case. Accordingly, the Court grants class counsel attorneys' fees in the
5 amount of 25% of the settlement fund.


6 Class counsel also seek reimbursement of costs in the amount of \$101,507.78. The Court finds
7 that this amount has been adequately documented and was reasonably incurred for the benefit of the
8 plaintiff class.

9
10 **IT IS THEREFORE ORDERED THAT:**

11 The Court hereby awards class counsel attorneys' fees in the amount of \$2,375,000 (25% of the
12 Gross Settlement Fund) plus an equal percentage of the interest accrued on the Gross Settlement Fund
13 up to the date of this order. The Court awards class counsel reimbursement of costs in the amount of
14 \$101,507.78. The awards shall be paid from the Gross Settlement Fund in accordance with the terms
15 of the Stipulation of Settlement.

16
17 **IT IS SO ORDERED.**

18
19 Dated: October 30, 2009



SUSAN ILLSTON
United States District Judge